IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 25TH OCTOBER 2006 / 3RD KARTHIKA 1928

Bail Appl..No. 6306 of 2006()

CRIME NO.610/2006 OF PERINTHALMANNA POLICE STATION.

PETITIONERS:

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1. JOMON JOHN, S/O. K.J.JOHN,
   AGED 30 YEARS, KOONAM PARAYIL HOUSE,
   MALIPPARA P.O., KOTHAMANGALAM.

2. N.M. KURIAKOSE, S/O. MATHEW,
   AGED 57 YEARS, NELLIKKAL HOUSE, VANNAPPURAM P.O.,
   THODUPUZHA.

BY ADV. SRI.P.V.LONACHAN
SRI.J.MADHUSOODANAN PILLAI
SRI.P.G.PRESANNAKUMAR

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
PERINTHALMANNA CIRCLE, PERINTHALMANNA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6306 of 2006

Dated this the 25th October, 2006.

O R D E R

The first petitioner is the 3rd accused in Crime No.610/2006 of Perinthalmanna Police Station, for the offence punishable under Section 395 IPC. The prosecution alleges that the de facto complainant was travelling in a Maruti car on 6.9.2006. While so, the 3rd accused, and six others have chased him in a jeep belonging to the 3rd accused. Accused have assaulted the de facto complainant. There were no valuable items, jewellery, or cash in the possession of the de facto complainant. Therefore, accused, after assaulting the de facto complainant, had left the place. Hence, on his complaint, the above crime has been registered.

2. The prosecution submits that the 3rd accused is the owner of the jeep, in which, all the accused have travelled. Further submission is that accused are of notorious character, and number of cases are registered against them, except the 3rd accused.

3. Counsel for the petitioners, however, submits that the jeep was owned by the second petitioner, the father-in-law of the 3rd accused, and the prosecution has not investigated this fact. However, this submission is refuted by the prosecution basing on the information received from the Investigating Officer. The prosecution further submits that the second petitioner, Kuriakose, is not an accused in the above crime.

4. In the above facts situation, I dispose of the application, directing the first petitioner, 3rd accused, to surrender before the Investigating Officer of Perinthalmanna Police Station, who is investigating the Crime No.610/2006 of that police station, on 30.10.2006, between10 and 10.30 a.m.

5. The investigating officer shall interrogate the first petitioner, and thereafter produce him before the court below, as per the law.

6. The learned Magistrate shall hear both sides, and pass orders on merit, on the date of production itself.

J.M. JAMES,
JUDGE

nj.